

Attorney Docket No.: KUZ-0018
Inventors: Yasukochi et al.
Serial No.: 10/502,412
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REMARKS

At the outset, Applicants would like to thank Examiner Cheung for the courtesy of the telephone discussion on September 17, 2007 and clarification provided with respect to the Advisory Action mailed September 7, 2007.

Claims 2, 5, 7 and 9-26 were pending in the instant application. Claims 2, 5, 7, 9-14 and 16-25 have been rejected. Claims 15 and 26 have been objected to. Claims 5, 7, 10, 12, 16, 19, 21 and 23 have been amended. Claims 2, 9, 13, 14, 15, 20, 24, 25 and 26 have been canceled. Subject matter of objected claims 15 and 26 is represented in new claims 27 and 28. Support for these amendments is provided in the canceled claims. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Objection to Claim 20

Claim 20 has been objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 20 has been canceled thus mooted this objection. Withdrawal is therefore respectfully requested.

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II. Rejection of Claims under 35 U.S.C. 112, first paragraph

Claims 13, 14, 24, and 25 have been rejected under 35 U.S.C. 112, first paragraph. The Examiner has acknowledged the specification to be enabling for Estradiol and norethisterone. However, the Examiner suggests that the specification does not reasonably provide enablement for other drugs.

Applicants respectfully disagree.

However, in an earnest effort to advance the prosecution of this case without conceding to the correctness of this rejection, Applicants have canceled claims 13, 14, 24 and 25.

Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 13, 20 and 24 under 35 U.S.C. 112, second paragraph

Claims 13, 20 and 24 have been rejected under 35 U.S.C. 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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It is respectfully pointed out, however, that these claims have been canceled, thus mooted this rejection.

Withdrawal of this rejection is therefore respectfully requested.

IV. Rejection of Claims under 35 U.S.C. 102(b) or 35 U.S.C. 103(a)

Claims 2, 5, 7, 9 and 16-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (U.S. Patent 5,532,373).

Further, claims 10-12 and 21-23 have been rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Matsumoto et al. (U.S. Patent 5,532,373).

Applicants respectfully traverse these rejections.

However, in an earnest effort to advance the prosecution of this case without conceding to correctness of these rejections, Applicants have represented the subject matter of dependent claims 15 and 26 in independent claims 27 and 28 which are inclusive of all limitations of the base claim and intervening claims. Claims 2, 9, 13, 14, 15, 20, 24, 25 and 26 were canceled and the dependency of claims 5, 7, 10, 12, 16, 19, 21 and 23 was amended in light of this

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amendment. Applicants believe these amendments render moot the rejections under 35 U.S.C. 102(b) and 103(a).

Withdrawal of these rejections is therefore respectfully requested.

V. Objection to Claims 15 and 26.

Claims 15 and 26 have been objected to as being dependent upon a rejected base claim, but have been acknowledged to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have represented the subject matter of dependent claims 15 and 26 in new independent claims 27 and 28 which are inclusive of all limitations of the base claim and intervening claims. In light of the Examiner's comments in the Advisory Action mailed September 7, 2007 and the telephone discussion of September 17, 2007, Applicants have formatted the new claims in a manner which makes clear the Markush groupings as set forth in the originally filed claims. Claims 2, 9, 13, 14, 15, 20, 24, 25 and 26 were canceled and the dependency of

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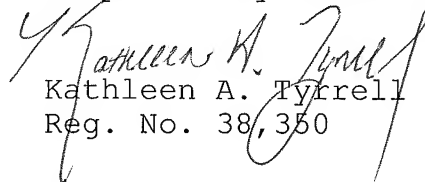
claims 5, 7, 10, 12, 16, 19, 21 and 23 was amended in light of these amendments.

No new matter is added by these amendments. The claims as amended are commensurate in scope with the subject matter acknowledged by the Examiner to be allowable and require no further searching. Accordingly, withdrawal of this objection and subsequent allowance of the claims is therefore respectfully requested.

VI. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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